

REMARKS/ARGUMENTS

Prior to entry of the present Amendment, claims 1-8 and 18-25 were pending, with claims 3, 9-17 and 26-34 having been previously cancelled without prejudice. In the present Amendment, claims 1 and 18 are amended. No new matter is added.

Examiner's Interview

Applicant appreciates the Examiner's time and consideration during the Telephonic Interview held on October 16, 2009. During the Interview, Applicant's representative and Examiner Janvier discussed proposed amended claims 1 and 18 and the prior art, including U.S. Patent Nos. 5,428,670 ("Gregorek"); 5,448,625 ("Lederman"); and 5,937,037 ("Kamel"). As discussed below, Applicant's representative presented reasons as to why the claims overcome the cited prior art. However, agreement was not reached on the claims.

Prior Art Claim Rejections

The Examiner rejected claims 1, 4-8 18, 21-25 under 35 U.S.C. §102 as being anticipated by Gregorek. The Examiner rejected claims 19-20 under 35 U.S.C. §103 as being obvious over Gregorek in view of U.S. Patent No. 6,205,432 ("Gabbard"). Reconsideration of the rejections is respectfully requested.

Independent Claim 1

Independent claim 1 has been amended as discussed during the Interview. Amended claim 1 defines a method for transmitting pre-recorded images using telecom networks, the method comprising the steps of detecting when a telecommunications apparatus is used by a caller to send a message to a recipient, establishing a connection with a telecommunications apparatus of the recipient, thereafter, displaying a supplementary image at the telecommunications apparatus of the caller in addition to, or to replace, conventional connection messages, if the recipient does not answer during a predetermined time period, then replacing the supplementary image by connection message text, and if, during transmission of the supplementary image to the caller, a connection is established between the caller and the recipient, transmission of the supplementary image is terminated.

As discussed during the Interview, Gregorek discloses a communications marketing system 10 in which a calling party using a first telephone 12 places a call to a called party at with a second telephone 20. The system first determines the status of the second telephone 20, i.e., whether the second telephone is in a busy state or in an idle state. An audible generator or audible signal generator 14 is capable of generating a ringback signal if the called network address or station line is idle, i.e., the second telephone 20 is not in use, or a busy signal if the called network address or station line is busy, i.e., the second telephone 20 is in use. In Gregorek, a message generator 16 is provided to play a series of prerecorded announcements to the calling party for a predetermined period of time.

In Gregorek, if the second telephone is idle, the audible signal generator 14 can produce a conventional audible ringback signal, or the message generator 16 can play a series of prerecorded announcements to the calling party for a predetermined period of time. If the second telephone 20 is busy, the audible signal generator 14 can generate a busy signal, or the message generator 16 can play a series of pre-recorded announcements to the calling party for a predetermined period of time while periodically checking to determine if the second telephone 20 is still busy. This process continues until the second telephone 20 is idle and as long as the calling party does not abandon the call. If the second telephone 20 is answered, the message generator 16 enters a completed call sequence, and the call is completed. If the call has been abandoned, i.e., the first telephone 12 is on-hook, the message generator 16 also enters a completed call sequence.

As also discussed during the Interview, Gregorek does not teach or suggest, among other things, a method including establishing a connection with a telecommunications apparatus of the recipient, thereafter, displaying a supplementary image at the telecommunications apparatus of the caller in addition to, or to replace, conventional connection messages, if the recipient does not answer during a predetermined time period, then replacing the supplementary image by connection message text. Gregorek only discloses that the message generator 16 enters the completed call sequence if the second telephone is answered or if the call has been abandoned. Gregorek does not teach or suggest that, after establishing a connection with the second telephone 20, if the second telephone 20 is not answered during a predetermined time period, then replacing the announcement by connection message text. In fact, Gregorek does not teach or suggest that, in any instance, if the second telephone is not answered during a predetermined

time period, then replacing the announcement by connection message text. This subject matter is completely absent from Gregorek.

For at least these independent reasons, Gregorek does not teach or suggest the subject matter defined by independent claim 1. Dependent claims 4-8 depend from independent claim 1 and are allowable for at least the same and other independent reasons.

Independent Claim 18

Independent claim 18 has also been amended as discussed during the Interview. Amended claim 18 defines an apparatus for transmitting pre-recorded images using telecom networks, whereby when telecommunications apparatus is used by a caller to send a message to a recipient, a supplementary image is visually transmitted from messaging equipment to the caller in addition to, or to replace, conventional connection messages, wherein the apparatus comprises means for detecting a signal on a telecom system indicating that there is an incoming message transmission, means for establishing a connection with a telecommunications apparatus of the recipient, and means for responding to this detection and connection by conveying a supplementary image or images to the caller in addition to, or to replace, conventional connection messages, if the recipient does not answer during a predetermined time period, then the means for responding to this detection and connection replacing the supplementary image by connection message text, and if, during transmission of the supplementary image to the caller, a connection is established between the caller and the recipient, then the means for responding to this detection and connection terminating transmission of the supplementary image.

As discussed during the Interview, Gregorek does not teach or suggest, among other things, an apparatus including means for establishing a connection with a telecommunications apparatus of the recipient, and means for responding to this detection and connection by conveying a supplementary image or images to the caller in addition to, or to replace, conventional connection messages, if the recipient does not answer during a predetermined time period, then the means for responding to this detection and connection replacing the supplementary image by connection message text. Gregorek only discloses that the message generator 16 enters the completed call sequence if the second telephone is answered or if the call has been abandoned. Gregorek does not teach or suggest that, after a connection with the second telephone 20 is established, if the second telephone 20 is not answered during a predetermined

time period, then replacing the announcement by connection message text. In fact, Gregorek also does not teach or suggest that, if the second telephone 20 is not answered during a predetermined time period, then any means for responding to this detection and connection replacing the supplementary image by connection message text. This subject matter is completely absent from Gregorek.

For at least these independent reasons, Gregorek does not teach or suggest the subject matter defined by independent claim 18. Dependent claims 19-25 depend from independent claim 18 and are allowable for at least the same and other independent reasons.

CONCLUSION

In view of the foregoing, entry of the Present Amendment and allowance of claims 1, 4-8 and 18-25 are respectfully requested.

If additional consultation with Applicant's attorney will further prosecution, the undersigned is available during normal business hours at the below-identified telephone number.

Respectfully submitted,

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